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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,965	06/07/2001	Mordechay Emek	109730	5925

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EXAMINER

TRAN A, PHI DIEU N

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,965

Applicant(s)

EMEKE, MORDECHAY

Examiner

Phi D A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Applicant's argument of the restriction 10/9/02 is persuasive. Restriction of claims 23-27 is hereby withdrawn.

Specification

1. The disclosure is objected to because of the following informalities: page 7 line 2 "whilst" is misspelled.
2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Lines 2 and 5 "said" is improper abstract language.

Appropriate correction is required.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitation "a ballistic panel...of the frame" in claim 13 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 9 is rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for having at least one adjustable fixing member fitted on at least one side of the frame, does not reasonably provide enablement for having at least one adjustable fixing fitted on at least “two” sides of the frame. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make/use the invention commensurate in scope with these claims. The claim language “at least two sides” requires one fixing member being at two positions at one time. It is thus impossible and not supported.

6. Claim 20 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claim language “removable ...panel...either the frame and the support frame” is not supported by the specification. The specification, however, provides support for the removable...pane....fixed to the support frame.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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8. Claims 1-22, 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the support frame" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 line 3 "the frame" is indefinite. It is unclear which frame is referred to, the frame or the removable frame.

Claim 6 line 1 "the fixing members" is indefinite. Should it be "the support members"?

Claim 7 line 5 "corresponding flanges" is indefinite. Should it be "corresponding flange"?

Claim 26 "hock-like" is indefinite. Should it be "hook-like"?

The claims are examined as best understood.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5, 7-8, 12-13, 16-20, 22-25, 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Saelzer (4625659).

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Saelzer (figure 1) shows a reinforced window system comprising a frame having outside support panel (26), a plurality of fixable fixing members (FF, appendix A) distributed on an inside of the frame, a reinforced window pane (6b, 6a) fixedly supported within a removable frame (28), the removable frame having a plurality of support members (24) articulated to the support frame and adapted for engagement by the corresponding fixing members, locking members (27) for positioning and fixing the removable frame within the frame, each support member being formed with at least one arm (24) engageable by a fixing member (FF), the support member being formed with at least one arm which at a mounted state of the support frame extends opposite a corresponding flange (F) associated with the frame (26), the flange being an extension of the frame adapted for engagement with a corresponding second arm(24) of a support member, the support member being, a shock wave striking the window pane giving rise to generation of forces acting in the plane of the window pane and in an orthogonal plane, displacing the support frame in a radial inward direction, whereby the at least one arm of the support member engaging the corresponding flange, the energy of the shock wave striking the window pane being wasted at a first stage by deformation of the at least one arms, and a second stage by shear thereof (inherently so of the structure 24), the support members being fixed at their respective locations to the support frame, a ballistic panel (30, 33) being fitted at the outside face of the frame rendering the system ballistic resistance, the window pane being fixed to the removable frame by mechanical glazing system (6c) fitted with resilient gaskets (6c) at both faces of the window pane, the window pane sealing bears against the outside support panel (26), a resilient sealing member (6c) being fitted between an outside face of the window pane and the outside support panel, the window system suited for retrofitting behind an original window

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system installed in the opening (5), a removable concealing frame panel (28) removably fixed to the support frame, the system being a fool-proof system whereby the fixing members and the corresponding support members of the frame and the support frame respectively being distributed such that they extend opposite one another only at a correct mounting of the support frame within the frame.

3. Claims 1, 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Palmer (5653073).

Palmer shows a reinforced window system having a frame comprising an outside support panel (26B), a plurality of fixable fixing members (FM, appendix B) distributed on an inside of the frame, a reinforced window pane (how reinforced is not yet defined) fixedly supported within a removable frame (30), the removable frame having a plurality of support members (30, 58) articulated to the support frame and adapted for engagement by the corresponding fixing members, locking members (LM, appendix B) for positioning and fixing the removable frame within the frame, the support member being formed with at least one arm (60) which at a mounted state of the support frame extends opposite a corresponding flange (26a) associated with the frame, the support members being bifurcated elements having a first arm (58), a second arm (60), which arms at a mounted state of the support frame, extend opposite a corresponding portion of the fixing members and an extension (26a) of the frame.

4. Claims 1, 4, 6, 9-10, 21, 23-24, 26 are rejected under 35 U.S.C. 102(a) as being anticipated by Satterwhite (6088978).

Satterwhite (figure 2) shows a window system having a frame (20) fixable to the opening, the frame having an outside support panel (20) and a plurality of fixable fixing members (28)

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distributed on an inside of the frame, a reinforced window pane (12) fixedly supported within a removable frame (48) having a plurality of support members (39, 37, 33) articulated to the support frame and adapted for engagement by the corresponding fixing members (28), locking members (50) for positioning and fixing the removable frame within the frame, the support member being formed with at least one arm (39) which at a mounted state of the support frame extending opposite a corresponding flange (24) of the frame, the support members (43, 40) being bifurcated elements having a first arm and a second arm, which arms at a mounted state of the support frame, extend opposite a corresponding portion of the fixing member (28) and an extension of the frame (the horizontal flange which part 40 touches), at least one adjustable fixing member (28, being loosely connected and adjustable), fitted on at least two sides of the frame, the fixing member being adjustable and removable (being loosely connected and removable), the support members (43, 40) being of different lengths, the flange being a hook like portion(28 and the part at 90o thereof forming a hook) of the fixing members, the framework inherently is adaptable to be suited for retro-fitting behind an original window system.

5. Claims 1, 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Richardson (6272812).

Richardson (figure 4) shows a window system having a frame fixable to the opening, the frame having an outside support panel (42) a plurality of fixable fixing members (84) distributed on an inside of the frame, a window panel (46) fixedly supported within a removable frame (90), the removable frame having a plurality of support members (70, 68, 56) articulated to the support frame and adapted for engagement by the corresponding fixing members, locking

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members (88) for positioning and fixing the removable frame within the frame, the window pane being fixed to the removable frame by an adhesive material (64).

6. Claims 1, 10, 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Guhl (6260251).

Guhl (figure 11) shows a window system having a frame (109) fixable to the opening, the frame having an outside support panel (109) and a plurality of fixable fixing members (113) distributed on an inside of the frame, a reinforced window pane (105, how reinforced is not yet defined) fixedly supported within a removable frame (103, 107), the removable frame having a plurality of support members ((108, 106, figure 10) articulated to the support frame and adapted for engagement by the corresponding fixing members, locking members (the U-shaped part where 108 is inserted) for positioning and fixing the removable frame within the frame, the fixing members being adjustable and removable (by the screw), at least some of the fixable fixing member being fitted with a fixation screw (figure 11, the part where knob 116 is connected) adapted for bearing against a corresponding arm of the support member.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson (6272812) in view of applicant's disclosure page 6 lines 8 and line 14.

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Richardson shows all the claimed limitations except for the adhesive being low-module silicone.

Applicant's disclosure page 6 lines 8 and 14 discloses other known possible mechanic arrangements being suited for the purpose of adhering the window to the removable frame.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Richardson to show the adhesive being low-module silicone because it would have been an obvious matter of engineering design choice to have the adhesive being low-module silicone since applicant has not disclosed that the adhesive being low-module silicone solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with the adhesive being adhesive tape; also, the fact that choosing low-module silicone being a design choice is further illustrated by applicant's disclosure on page 6 lines 8 and 14.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different window structures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Phi Dieu Tran A
January 22, 2003

PA

LANNA MAI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

A handwritten signature in black ink, appearing to read 'Lanna Mai', with a long horizontal stroke extending to the right.